

# SENATE BILL REPORT

## SSB 6109

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As of February 3, 2010

**Title:** An act relating to ferries.

**Brief Description:** Concerning ferries.

**Sponsors:** Senate Committee on Transportation (originally sponsored by Senators Haugen, Rockefeller, Kilmer, Sheldon, King and Swecker).

**Brief History:**

**Committee Activity:** Transportation: 3/19/09, 4/01/09 [DPS]; 2/03/10.

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### SENATE COMMITTEE ON TRANSPORTATION

**Majority Report:** That Substitute Senate Bill No. 6109 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker, Ranking Minority Member; Berkey, Eide, Jacobsen, Jarrett, Kauffman, Kilmer, King, Ranker and Sheldon.

**Staff:** Janice Baumgardt (786-7319)

**Background:** Beginning in 2006 the Joint Transportation Committee (JTC) has conducted a study of the Washington State Ferries (WSF). Since then many of the recommendations resulting from the study have been implemented through statutes or transportation budgets.

Capital funding requests must adhere to a long range strategic plan that chooses the most efficient balance between capital and operating investments. Pre-design studies are required for terminal projects.

State highways may be constructed, altered, repaired, or improved by state work forces or by contractors. The work may be done by state work forces when estimated costs are less than \$60,000.

The Marine Employees Commission (MEC) is the agency that processes grievances for the WSF unions and provides arbitration services.

Washington State has waived its sovereign immunity from lawsuits. For injuries received in employment the remedy is between the employer and employee through industrial insurance;

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this is commonly known as workmen's compensation. There are some exceptions to this and one such exception is maritime employees. WSF employees on vessels are maritime employees covered under general Maritime law and the federal Jones Act. Injured WSF employees on vessels must sue their employer and cannot go through workmen's compensation for medical reimbursement, lost wages, and pain and suffering.

**Summary of Bill:** The Legislature intends this bill, as well as the 2009 transportation budget, to implement recommendations from the JTC ferry study and other changes, to make WSF more efficient.

Funding requests for vessel preservation, acquisition, and improvement projects are subject to the same requirements as terminal projects, as well as some additional pre-design study requirements aimed at ensuring that alternatives are explored and the most cost effective alternative is selected.

The dollar threshold for state work forces working on ferry vessels or terminals is increased to \$100,000 if WSF and the unions representing workers at Eagle Harbor Maintenance Facility report to the transportation committees of the Legislature by December, 2010 on what steps they have taken to reduce vessel out-of-service time.

WSF is directed to develop performance measures and report its recommendations to Office of Financial Management and the Legislature in 2011. These measures must include on-time performance by run and the number of passengers affected. These statistics must be prominently displayed on vessels, in terminals, and on the agency's website.

WSF is directed to post signs informing passengers that assaults on state employees will be prosecuted to the full extent of the law. WSF must investigate the frequency, severity, and prosecutorial results of assaults on WSF employees and, if appropriate, make recommendations to the transportation committees of the senate and house of representatives during the 2011 Legislative session. This section expires June 30, 2011.

All functions of MEC are transferred to the Public Employment Relations Committee (PERC) and MEC is abolished.

Statutes relating to WSF providing passenger-only-ferry service, the construction of vessels that have already been built, and bond authorities that have already been exhausted are repealed.

State employees who are maritime employees must go through industrial insurance for injury claims.

**Appropriation:** None.

**Fiscal Note:** Requested on February 2, 2010.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Recommended First Substitute:** PRO: Moving WSF union employees under L&I's workman's compensation will provide budget certainty, reduce costs, and will help in employee relationships because the Jones Act causes an adversarial relationship by requiring the employee to sue the employer.

CON: WSF union employees should continue to stay under the Jones Act and federal maritime laws. MEC should continue to provide grievance and arbitration services for the WSF union employees.

OTHER: The pre-design study requirements and on-time performance measure reporting will have cost implications.

**Persons Testifying:** PRO: Bob Distler, Washington State Transportation Committee.

CON: Gordon Baxter, Inlandboatmans' Union, Masters Mates and Pilots, Marine Engineers' Beneficial Association (MEBA), Puget Sound Metal Trades Council, OPEIU8; Jim McCrary, Michael McCarthy, MEBA D#1; Michael Temple, Washington State Association for Public Justice.

OTHER: David Moseley, Washington State Ferries.